

Application No.: 10/651,941

REMARKS

By this amendment, claims 1 and 6 and the specification have been revised to place this application in condition for allowance. Currently, claims 1, 3-6, 9, and 11-13 are before the Examiner for consideration on their merits.

The specification has been revised on page 5 to include missing multipliers in the equations. Also, the amendment to Table 2 is restated to make it clear that the two headings should read "Non-uniform Wall Thickness Ratio before Expanding (E0)", and "Non-uniform Wall Thickness Ratio after Expanding (E1)". The earlier amendment inadvertently indicated that each ratio was "after expanding", wherein the first ratio column should refer to "before" expanding. Lastly, page 13 of the specification has been revised to clarify the K-th order.

The Office Action raises two issues, one of indefiniteness regarding claims 1 and 6 and a second issue related to enablement.

In response to the rejection under 35 U.S.C. § 112, second paragraph, claim 6 has been revised to address the informalities identified by the Examiner. While the Examiner referred to claim 1 for the informalities on lines 10 and 16, it is really claim 6 that contains these problems. Claim 1 has also been revised to correct the minor informality noted by the Examiner. Therefore, the rejection of claims 1 and 6 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

The Examiner has also made a new rejection of all claims under 35 U.S.C. § 112, first paragraph on the grounds of a lack of enablement. In this rejection, the Examiner contends that the specification is not enabling because of an apparent conflict in values listed in Table 3. The Examiner expresses concern that the average wall thickness of

Application No.: 10/651,941

the tested tubes, and the values associated with the first, second, and third order of the wall thickness do not coincide.

Applicants respectfully traverse the rejection under 35 U.S.C. § 112, first paragraph on the grounds that the values of average wall thickness in Table 3 is not the same as the "Non-uniform Wall Thickness" values therein and there is no problem of enablement with the instant specification.

As explained on page 26 of the specification, the wall thickness profile is measured using the 16 points as shown in Figure 7. From this, the first, second and third order of the non-uniform wall thicknesses are calculated. The Examiner's attention is directed to page 11, the second last line to page 14, line 1 for an explanation of the first, second, and third orders of non-uniform wall thickness. It is clear from this passage that the values of "Non-uniform Wall Thickness" in Table 3 are values of the K-th order non-uniform wall thickness, which can be calculated by the expression 9 found on page 13. For example, the first order K-th value can be obtained by substituting "1" for "k" in the expression 9.

In light of the above, the specification is clear with regard to the explanation of Table 3, and there are no grounds to assert that the specification is somehow non-enabling. Consequently, the Examiner is respectfully requested to withdrawn the rejection of all claims based on 35 U.S.C. § 112, first paragraph. If the Examiner continues to have a problem with Table 3, the Examiner is invited to telephone the undersigned to resolve any such issues with the need for issuing another Office Action.

Since the Examiner has acknowledged that the previous response overcame the prior art rejection of record, this application is in condition for allowance. That is, the

Application No.: 10/651,941

revisions to the claims and specification overcome the objections, and the rejection under 35 U.S.C. § 112, first paragraph, has been shown to be flawed.

Accordingly, the Examiner is respectfully requested to examine this application in light of this amendment and pass all pending claims onto issuance.

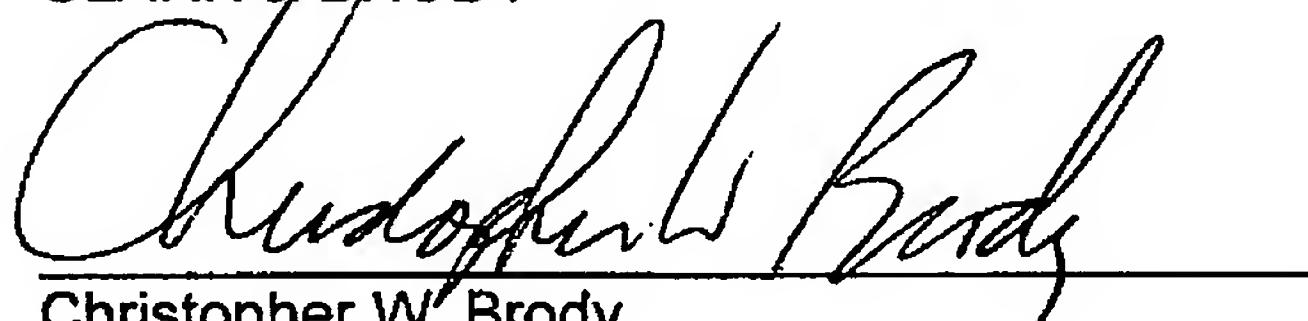
If the Examiner believes that an interview with Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is requested to telephone the undersigned at 202-835-1753.

The above constitutes a complete response to all issues raised in the Office Action dated August 22, 2005.

Again, reconsideration and allowance of this application is respectfully requested.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
CLARK & BRODY


Christopher W. Brody
Reg. No. 33,613

Customer No. 22902
1090 Vermont Ave. NW, Suite 250
Washington, DC 20005
Telephone: 202-835-1111
Facsimile: 202-835-1755

Docket No.: 12049-0010
Dated: November 22, 2005